

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

870D0103

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1009** - 1/19/00

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to redefine what marks are prohibited on a ballot and to
2 require the county auditor to provide certain directions in conducting a recount.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-18-22 be repealed.

5 ~~— 12-18-22. No voter shall place any mark upon his ballot by which it may afterwards be~~
6 ~~identified as the one voted by him.~~

7 Section 2. That chapter 12-18 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 If a name is written on a ballot in an attempt to cast a write-in-vote, the vote cast for that
10 particular office may not be counted. However, any vote cast for any other office may be
11 counted.

12 Section 3. That § 12-21-20 be amended to read as follows:

13 12-21-20. The county auditor, immediately on the ~~due~~ filing ~~with him~~ of any petition for a
14 recount or upon receipt from the secretary of state of notice of such filing with the secretary of
15 state, shall notify in writing, with the seal of ~~his~~ the auditor's office, the presiding judge of the
16 circuit court for ~~his~~ the auditor's county. The presiding judge shall appoint a board, ~~as is provided~~

1 ~~by pursuant to § 12-21-2~~, for each county in ~~his~~ the circuit in which a recount is to be conducted.
2 The presiding judge may appoint the board ~~provided by § 12-21-2~~ anytime within thirty days
3 prior to a primary or general election or upon the filing of the petition for recount. The board
4 shall then convene in the office of the county auditor on the second Monday, ~~at ten o'clock in~~
5 ~~the morning at ten a.m.~~ following the filing of ~~such~~ the petition, ~~unless that day. However, if the~~
6 second Monday is a legal holiday, ~~in which case~~ the board shall convene at ten o'clock in the
7 ~~morning a.m.~~ of the day following, ~~and. The county auditor shall provide the recount board with~~
8 laws, rules, and forms to use in conducting the recount. The board shall then proceed with the
9 recount.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 13

3 1/14/00 Referred to State Affairs. H.J. 48

4 1/19/00 Scheduled for Committee hearing on this date.

5 1/19/00 State Affairs Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 127